THE HON'BLE SRI JUSTICE V.V.S.RAO

Writ Petition No.20815 of 2005

06-10-2005

Between:

Avinash Agarwal @ Pankaj Agarwal,

S/o Vithaldas Agarwal, aged about 24 years,

R/o H.No.21-6-558 Near Moti Begum Masjid

Ghansi Bazar, Hyderabad –2.

.. Petitioner

and

The Collector & District Magistrate,
Hyderabad district at Nampally, Hyderabad.

and another.

.. Respondents

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ORDER:

The petitioner approached the first respondent for change of his name as 'Harikrishna Goel'. As there was no response, it appears he filed a writ petition being W.P.No.10203 of 2005 before this Court and the same was disposed of directing the first respondent to consider his representation. The petitioner also filed contempt case being C.C.No.785 of 2005. At that stage, the first respondent passed an order on
12-08-2005 rejecting the request of the petitioner to change his name.

After hearing learned counsel for the petitioner and learned Assistant Government Pleader for Municipal Administration, this Court is of the considered opinion that the matter requires to be considered by the District Magistrate in the light of the orders of the Government vide G.O.(P) No.819 General Administration (Gen-C) Department dated
08-12-1977, which reads as follows:

> "Read the following: -
>
> G.O.(P) No.483 General Administration (Gen-C) Dept., dated 13-4-1972.
>
> **Order:** In the GO read above procedure was laid down for change of name by the Citizens of India residing in the Andhra Pradesh State. Consequent on the revocation of the proclamation of emergencies and the censor of Rules made under the Defence and Internal Security of India Act, it has become necessary to review the procedure that had been in vogue in regard to the change of name. The Government after careful examination, hereby lay down the following revised procedure in supersession of the procedure prescribed in the Government Order read above.
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> 2. (1) Any person residing in the State of Andhra Pradesh, who intends to change his name, shall apply, in the first instance, in the form in Annexure-I to this Order to the District

Magistrate, the Additional District Magistrate or an Executive Magistrate having jurisdiction, for issue of an official communication in the form of a letter or memorandum to the effect that he is a Citizen of India.

(2) The District Magistrate, the Additional District Magistrate or the Executive Magistrate having jurisdiction, may on the basis of information furnished by the applicant and after such inquiry as he thinks fit, issue a letter or memorandum in the form in Annexure-II to this Order, to the effect that on the basis of the information available, he is qualified for recognition as a Citizen of India. The Magistrate concerned shall exercise due caution and satisfy himself about the applicant's claim to Indian Citizenship before issuing the letter or memorandum.

(3) The applicant shall, thereafter send another application to the Director of Government, Printing and Stationery (Printing Wing), along with letter or memorandum issued by the Magistrate concerned for publication of a private advertisement in the Andhra Pradesh Gazette, on payment of the publication charges."

As per the procedure prescribed in the said G.O., a person seeking to change the name has to approach the District Magistrate and Collector by making an application in a proper form appended to the G.O. whereupon the District Magistrate is required to give certificate on the basis of information furnished by the applicant to the effect that the applicant is qualified for recognition as citizen of India. After obtaining such certificate in Annexure-II to the G.O., the person has to approach the Director of Government, Printing and Stationery along with the memorandum issued by the District Magistrate for publication of a private advertisement in the Andhra Pradesh Gazette for change of name. The respondents have not followed the procedure and therefore, the matter is remitted to the first respondent for consideration of the application in accordance with GO referred to hereinabove. Liberty is also given to the petitioner to approach the District Magistrate and Collector, Hyderabad, for making an application in proper form.

The writ petition is accordingly disposed of at the stage of admission.

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V.V.S.RAO, J

06-10-2005

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